

CITY PLANNING COMMISSION MINUTES

JULY 6, 2006

STUDY SESSION A study session was held at 12:00pm to review the recirculated draft Environmental Impact Report for the proposed Home Depot located at 400 Studebaker Road.

The regular meeting of the City Planning Commission and public hearing reconvened on July 6, 2006, at 1:40pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Greenberg, Morton Stuhlbarg, Nick Sramek, Charles Winn

ABSENT: EXCUSED: Mitchell Rouse, Leslie Gentile

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Jeff Winklepleck, Planner
Ira Brown, Planner
Derek Burnham, Planner
Steve Valdez, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Winn.

SWEARING OF WITNESSES

CONSENT CALENDAR

The Consent Calendar was approved as presented by staff on a motion by Commissioner Winn, seconded by Commissioner Stuhlbarg and passed 5-0. Commissioners Rouse and Gentile were absent.

**1A. Case No. 0604-32, Modification to an Approved Permit
CE 06-131**

Applicant: Marcus Crawshaw
Subject Site: 3131 E. Broadway (Council District 3)
Description: Request to modify an existing Conditional Use Permit for a retail wine store with wine tasting (Case No. 0405-22) to expand into adjacent suite and relocate the wine tasting area.

Approved the modification subject to revised conditions of approval.

1B. Case No. 0605-12, Conditional Use Permit, CE 05-126

Applicant: Long Beach Airport for US Aero
Subject Site: 2845 E. Spring Street (Council District 5)
Description: Request to allow the sales of aircraft in conjunction with aircraft parts.

Approved the Conditional Use Permit subject to conditions of approval.

1C. Case No. 0603-86, Tentative Tract Map, CE 06-52

Applicant: Monica Masuda c/o Robert Vargo/SUBTEC
Subject Site: 5505 Ackerfield Avenue (Council District 8)
Description: Request for approval of Tentative Tract Map No. 65469 to convert a 55-unit apartment building into condominiums.

Approved Tentative Tract Map No. 65469 subject to conditions.

C O N T I N U E D I T E M S

**2. Case No. 0510-02, Site Plan Review, Vesting Tentative
Tract Map, ND 01-06**

Applicant: Jay Sheppmann
Subject Site: 1223-1227 Long Beach Boulevard (Council District 1)
Description: Request for approval of Site Plan Review, and Vesting Tentative Tract Map No. 65484 for less than code-required dimensions for open space and courtyard area for a 51-unit condominium complex with ground floor commercial and live/work uses.

Carolynne Bihn presented the staff report recommending approval of the requests because the proposal is consistent with the Subdivision Regulations and Land Use Element of the General Plan; is an attractive and innovative design complying with PD-29 development standards; will add a very contemporary mixed use building and improve the image and appearance of the long-vacant site and Long Beach Boulevard Corridor, and that no negative environmental impacts were identified.

David Rosenfeld, RNH Design, 4611 Teller Avenue, Newport Beach, 92660, project architect, presented slides showing the project.

Commissioner Greenberg remarked that he thought the off-street parking entry should be better marked. Ms. Bihn suggested directional signs on the alley wall, which could be required through the sign program.

Dr. Ana Chang-Smith, 12th and Long Beach Blvd., adjacent medical building owner, expressed concern about noise, dust and traffic created by construction, but said she had talked with the developer who had promised to work out those issues.

Commissioner Stuhlbarg moved to review and certify Mitigated Negative Declaration No. 01-06, and to approve the requests for Site Plan Review and Vesting Tentative Tract Map No. 65484. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

3. Case No. 0511-25, Site Plan Review, Standards Variance, Finding of General Plan Conformity, ND 08-06

Applicant: Enter-Arc c/o Lance Brown
Subject Site: 2200 Lakewood Boulevard (Council District 4)
Description: Request for approval of Site Plan Review for a new 6,400 sq.ft. commercial building with a Standards Variance for front and side setbacks of five feet (instead of not less than 10 feet) and a Finding of General Plan Conformity for a partial street vacation.

Derek Burnham presented the staff report recommending approval of the requests, since the project will allow redevelopment of an underutilized commercial lot.

Lance Brown, Enter-Arc, 2901 W. MacArthur Blvd., S. 101, Santa Ana, stated he was available to answer questions.

Prayuth Panichpakdee, 5721 Malaga Place, nearby building owner, expressed concern that this application would hinder his ability to undertake a similar project.

Greg Carpenter explained the private-to-public history of the property and the right-of-way, and noted that the parking is designed to be shared by everyone on the site, with landscaping and street improvements done by the applicant.

Commissioner Greenberg said he thought all adjacent property owners should have a say in the shared parking.

Commissioner Greenberg then moved to certify Mitigated Negative Declaration No. 08-06; to find the proposed street vacation consistent with the Land Use Element of the General Plan, and to approve the Site Plan Review and Standards Variance requests, subject to conditions. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

4. Case No. 0407-05, Conditional Use Permit, Administrative Use Permit, Standards Variance, CE 04-259

Applicant: Loretha Pennix
Subject Site: 6160 Atlantic Avenue (Council District 9)
Description: Conditional Use Permit to allow the establishment of a church in the CAN Zone, with Administrative Use Permit for shared parking and Standards Variance requests for the number of parking spaces, and for off-site parking located further than 600 sq.ft. without a deed restriction.

Steve Valdez presented the staff report recommending denial of the requests since the proposed use does not meet the parking requirements for a church and positive findings cannot be made to support them.

Loretha Pennix, P. O. Box 18527, Long Beach 90807, applicant, stated she was in possession of assessment papers proving her claim that the church use dated back to 1976.

Ms. Bihn stated that the material had been reviewed, and that staff had done extensive research, which had identified the property as a market with no permit history to legally establish the use as a church.

Commissioner Greenberg announced that he had visited the site on Sunday morning and had found no parking impacts. Ms. Bihn

reported that there had been complaints about parking from the surrounding community.

Willie Cockroft, P. O. Box 330671, Pacoima, 91333, read a letter from a member claiming the existence of the church at this location in 1979. Mr. Cockroft also declared that the church had been in existence since the early 1970s, and he stated that there was enough parking on-site for members, many of whom did not own cars.

Dennis Browne, 7021 Pearl Avenue, said he had been a church member for over 40 years and agreed there was enough parking on Sunday since all the other businesses in the area were closed.

Commissioner Greenberg explained the precedent-setting aspect of the decision to the applicant, but agreed that the City had some responsibility in that they had been unable to establish a history of the site. Mr. Greenberg added that the testimony of Mr. Browne could serve as proof in the absence of anything more concrete, and he agreed that there was enough parking on the weekend for members, creating a unique case and allowing approval of the request.

Commissioner Greenberg moved to continue the item to the August 3, 2006 meeting to allow staff to prepare new conditions of approval and findings, and to look at building and fire code issues.

At the suggestion of Deputy City Attorney Mike Mais, language was added to the motion to acknowledge the hearsay testimony of the letter and the witness in support of the longtime location and existence of the church.

Commissioner Winn declared he was leery of circumstantial evidence and reminded the applicant that the Commission had gone out of its way to accommodate her and the church.

Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

R E G U L A R A G E N D A

5. Case No. 0605-06, Site Plan Review, Zone Change, CE 06-89

Applicant: Dr. Michele Winterstein, Exec. Dir.
Subject Site: 4565 California Avenue (Council District 8)

Description: Request for approval of a Zone Change from Three-Family Residential (R-3-S) District to Community Automobile-Oriented (CCA) District, and a Site Plan Review for a 2,921 sq.ft. addition to expand an existing building housing a non-profit institution.

Greg Carpenter presented the staff report recommending approval of the requests, since the proposed development would expand a long-established social service institution, and because the design of the project exterior was compatible with the historic design of the original structure, while the zone change would provide consistency between the existing uses and the proposed designation.

Dr. Michele Winterstein, 4565 California Avenue, Executive Director, For the Child, stated the expansion was much needed, and that they had held a community open house and incorporated community input on the project.

Commissioner Stuhlbarg moved to recommend that the City Council approve the Zone Change from Three-Family Residential (R-3-S) District to Community Automobile-Oriented (CCA) District and to approve the Site Plan Review, subject to conditions. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

6. Case No. 0312-15, Appeal, CE 03-242

Applicant: Jerry Maize c/o Ed Gulian
Appellants: Bob and Debbie Autry
Subject Site: 5519 E. Ocean Boulevard (Council District 3)
Description: Appeal of the Zoning Administrator's decision to deny a Local Coastal Development Permit and Standards Variance request to allow over-height structures in the front yard setback area fronting Alamitos Bay.

Commissioner Winn recused himself from hearing the item.

Lynette Ferenczy presented the staff report recommending denial of the appeal and upholding of the Zoning Administrator's decision since through lots on the Peninsula are required to have two front yard setbacks to maintain an open feel, and because granting of a variance is inconsistent with the intent of the Zoning Code and could be precedent-setting.

Ed Gulian, 5855 E. Naples, architect representing both appellants and applicant, stated he felt this was a unique

situation because the lot was unique, and the applicant had acted in good faith based on information from the City's counter staff.

Mr. Gulian showed slides of similar walls in the area, and added that the applicant had pulled construction permits to upgrade the property two years earlier, and could have easily made the required changes at that time, if he had been informed by staff.

Graham Stanley, 3601 Serpentine Drive, Los Alamitos, 90740, landscape architect, stated that City staff had informed him upon presentation of the plans that they could have a 6'6" wall, so they never pulled a permit because they were not over 3' high on the back slab, and he had always been under the assumption that the design was within code.

Jerry Maize, 5519 E. Ocean Blvd., applicant, said he was shocked by the Code violation accusation, and he had since visited the City counter and been given the same information that a 6' wall was acceptable, without any further explanation about whether that was above the slab or sidewalk.

Joe Railey, 9582 Hamilton Avenue, Hermosa Beach, project contractor, expressed concern that the City had incorrectly informed the applicant and his contractors. Mr. Railey added that they had even received a Certificate of Occupancy, which always confirmed to a contractor that a project was accepted by the City issuing the certificate.

Jan Maize, 5519 E. Ocean, applicant, said she had asked many times to meet with Alamitos Bay Beach Preservation Group Board to discuss a compromise, but was never able to set a meeting date.

Steve Scott, 60-60th Place, expressed support for the variance request, saying he felt there were many more egregious violations in neighborhood than this, which was so close to the spirit of the regulations.

In response to queries from Chairman Jenkins about the alleged misinformation from counter staff, Ms. Bihn agreed that lack of consistency in information was unacceptable, and that she had talked to staff about giving correct answers at the counter or over the phone. Ms. Bihn added that if architects and applicants would work with the assigned City project planner through their entire process, it would help avoid this kind of problem.

Bob Chrisman, 6300 E. Bayshore Walk, said he understood both sides of the issue, but said he felt the applicant should be granted the variance because he had built a beautiful home and shouldn't be penalized for the City's misinformation.

August Cigliano, 6009 E. Seaside Walk, agreed that the applicant's house was one of the more beautiful ones in the neighborhood, and that this design instead of being denied should be considered as a prime example of a step in the right direction. Mr. Cigliano added that having to tear down the wall would not only be expensive for the applicant, but would also negatively impact the look of the block.

Brigida Knauer, 40-57th Place, added that the applicants were exemplary residents and community members, but expressed support for the staff recommendation, saying she felt their architect should have known the Code and made sure City regulations were followed exactly.

Rob Bellevue, 6018 E. Bayshore Way, Board Member, Alamitos Bay Beach Preservation Group, said he had called the City during construction of the wall to confirm that the applicant would not build up to 6'. Mr. Bellevue added that he had tried to reach a compromise with the applicants but had only been offered re-landscaping of the City median.

Dr. Sherri Bates, 5616 Bayshore Walk, expressed support for the applicants, saying that within the area of eclectic homes, the wall was not a problem.

Joe Villaescusa, 2-60th Place, agreed that the applicants should be permitted to keep their wall.

Jerry Maize, applicant, commented that the City did approval inspections all the way through construction and never brought up the issue. Mr. Maize asked why a Certificate of Occupancy had been issued if the wall was not within Code.

Commissioner Greenberg observed that granting variances could be a precedent-setting process, but in some situations, it was unfair and hard not to grant a variance. Mr. Greenberg added that the City was not legally responsible for its own errors, including erroneously grating a Certificate of Occupancy, and the homeowner could be forced to correct the error. Commissioner Greenberg expressed concern that the builder and architect did not really know Code regulations. Mr. Greenberg also remarked that aesthetically, the applicants' home was one of the nicer

ones in the area, so the request was not substantially wrong, but historically, the reason behind the strict regulations was to standardize through lots. He noted that the Alamitos Bay Beach Preservation Group had always demanded that the Commission enforce rigid area rules with no exceptions, and if they had issues with the project, they should have pursued their concerns with the City. Commissioner Greenberg said he felt it would be very hard to force the applicant to re-do the project, but that it was also important to assure that this situation would not arise again. Mr. Greenberg concluded that perhaps the City, the Alamitos Bay Beach Preservation Group and the applicants all bear some share of blame.

Commissioner Greenberg moved to accept the appeal and overturn the Zoning Administrator's decision to deny the Local Coastal Development Permit and Standards Variance request.

Commissioner Sramek agreed that ignorance of the law isn't an excuse for doing the wrong thing and that the precedent-setting aspect was very troubling, but he agreed that there were enough mistakes made by the City, and the applicant did his due diligence trying to do the right thing.

Commissioner Sramek then seconded the motion, which passed 4-0. Commissioner Winn had recused himself, and Commissioners Rouse and Gentile were absent.

Chairman Jenkins suggested that all through lots be tagged by the City to avoid this kind of mistake in the future

7. Case No. 0505-19, Site Plan Review, Zone Change, Tentative Tract Map, ND 05-06

Applicant: 4200 Anaheim, LLC c/o Gerald Sappington
Subject Site: 4200 E. Anaheim Street (Council District 4)
Description: Request for a Zone Change from Three-Family Residential District (R-3-S) to Community R-4-N District (CCN), approval of Site Plan Review and a Tentative Tract Map for a three-story, 32-unit condominium complex and a Standards Variance to allow an architectural feature 40'3'' in height (instead of not more than 38'0'' in height).

Jeff Winklepleck presented the staff report recommending approval of the requests since the proposal was consistent with Subdivision Regulations, the amended Zoning Ordinance and the Land Use Element, while providing attractively designed home ownership opportunities.

Bozena Jaworski, 3837 E. 7th Street, RPP Architects, expressed appreciation for staff's assistance on the project.

Commissioner Winn moved to certify Negative Declaration No. ND 05-06; to recommend that the City Council approve the Zone Change from Three Family Residential (R-3-S) to Community R-4-N District (CCN), and to approve the Site Plan Review, Tentative Tract Map No. 065281 and Standards Variance, subject to conditions. Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Stuhlbarg had left the meeting, and Commissioners Gentile and Rouse were absent.

8. Case No. LDR-06

Applicant: City of Long Beach
Subject Site: Citywide
Description: The 2005-2006 Local Development Report and its conformance with the 2005 Congestion Management Program (CMP).

Ira Brown presented the staff report recommending adoption of the resolution.

Commissioner Sramek expressed concern with the CMP's unequal application of development data to overrule local City traffic management issues, noting that in the past data supporting specific impacts was included.

Suzanne Frick said the City would have substantial input to insure that meaningful measures were being suggested.

Angela Reynolds added that the Commission would still have input on localized traffic issues, although they still would not be able to mitigate extra-regional traffic impacts under jurisdictions like CalTrans.

Commissioner Greenberg moved to recommend that the City Council adopt a resolution self-certifying the Local Development Report and its conformance with the Congestion Management Program. Commissioner Winn seconded the motion, which passed 4-0. Commissioner Stuhlbarg had left the meeting, and Commissioners Gentile and Rouse were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

There were no matters from the Department of Planning and Building.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

Commissioner Sramek mentioned that he had a problem with the language in the turnkey conditions of approval that require removal of graffiti within 24 hours, saying he felt this kind of requirement needed some enforcement teeth. Commissioner Winn said he felt that residents should deal with the problem themselves.

A D J O U R N

The meeting adjourned at 4:45pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk